

ILLINOIS COMMERCE COMMISSION

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05-0075

Peoples Energy Services Corporation)
)
Petition for Relief to Protect)
Portions of PE Services' Report of)
Continued Compliance As an)
Alternative Gas Supplier from)
disclosure for not less than five years)
in order to protect highly confidential)
and proprietary information)

PETITION

Peoples Energy Services Corporation ("PE Services"), by its attorneys, McGuireWoods LLP, hereby petitions the Illinois Commerce Commission ("Commission") pursuant to Section 200.430 of the Commission's Rules of Practice (83 Ill. Admin. Code §200.430) for relief to protect from disclosure for not less than five years highly confidential and proprietary information included in PE Services' Report of Continued Compliance stating the maximum daily amount of natural gas scheduled in dekatherms for the previous calendar year and the date on which that amount was scheduled ("Compliance Report"). The Compliance Report relates to PE Services' continuing obligation to comply with the requirements for certification pursuant to Section 19-115 of the Public Utilities Act (the "Act") and 83 Ill. Admin. Code Part 551 ("Part 551"). In support of this Petition, PE Services states the following:

1. PE Services is certified as an alternative gas supplier ("AGS"). The Commission originally granted PE Services a certificate of service to provide services as an AGS in the service territories of The Peoples Gas Light and Coke Company, North Shore Gas Company and Northern Illinois Gas Company on September 25, 2002

to serve residential customers and on January 7, 2004 to serve small commercial customers.

2. On January 28, 2005, PE Services submitted, via overnight delivery, its Compliance Report for filing with the Commission.

3. Attachment B of PE Services' Compliance Report contains confidential trade information and market sensitive information regarding PE Services' provision of service to residential and small commercial customers in Illinois. PE Services considers this information highly proprietary and confidential information, the disclosure of which to competitors, or potential competitors, would be detrimental to PE Services.

4. The retail gas service industry is highly competitive and it is essential that public disclosure of the proprietary and confidential information contained in the Compliance Report be avoided for a period of at least five years because of the competitive harm which disclosure of such information would likely cause PE Services.

5. 83 Ill. Admin. Code Section 551.60 provides, in part, as follows: "If an applicant or AGS believes any of the information to be disclosed by an applicant or AGS is privileged or confidential, the applicant or AGS should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. The applicant or AGS shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission." In this instance, PE Services, the AGS, marked Attachment B of its Compliance Report as confidential.

6. Section 7(g) of the Illinois Freedom of Information Act provides, in part, that the following are exempt from inspection and copying: "trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm." 5 ILCS §140/7. The information contained in Attachment B of PE Services' Compliance Report falls within this exemption.

7. PE Services seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five years from the date of such Order, the trade information contained in PE Services' Compliance Report.

8. The Commission has previously afforded proprietary and confidential treatment to PE Services' Annual Kilowatt-Hour and Dekatherm reports. For the foregoing reasons, there are now compelling reasons for also affording a portion of the Compliance Report similar confidential and proprietary treatment.

WHEREFORE, Peoples Energy Services Corporation respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five years, Attachment B of PE Services' Compliance Report, which was filed by overnight delivery, with the Chief Clerk of the Commission on January 28, 2005 pursuant to Part 551 regarding PE Services' Report of Continued Compliance.

Respectfully submitted,

PEOPLES ENERGY SERVICES CORPORATION

By :



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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

Wendy Ito, being first duly sworn, deposes and says that she is Director of Business Planning and Development for Peoples Energy Services Corporation; that she has read the foregoing Petition and knows the contents thereof; and that the statements therein contained are true to the best of her knowledge, information and belief.

By: Wendy Ito
Wendy Ito
Peoples Energy Services Corporation

SUBSCRIBED and SWORN to
before me this 28th day of January 2005.

Theresa Viramontes
Notary Public

